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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Islamic Republic of Iran

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 68/184, in which the Assembly requested that the Secretary-General submit a report to it at its sixty-ninth session. The report indicates the patterns and trends in the human rights situation in the Islamic Republic of Iran and describes the progress made in the implementation of the resolution. It also contains recommendations aimed at improving the human rights situation. In resolution 68/184, the Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous reports of the Secretary-General and to respect fully its human rights obligations, in law and in practice, in relation to a number of specifically identified concerns.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 68/184, in which the Assembly requested the Secretary-General to report to it at its sixty-ninth session. The report provides information on progress made in the implementation of the resolution, focusing on the concerns identified therein.

2. The report draws upon observations made by the United Nations human rights treaty monitoring bodies, the special procedures of the Human Rights Council, various United Nations entities and non-governmental organizations. It also refers to information from official State media.

3. Since the issuance of the latest report of the Secretary-General to the Human Rights Council (A/HRC/25/26), the application of the death penalty, including in relation to political prisoners and juvenile offenders, has increased. Reports of the arbitrary detention and prosecution of journalists, human rights defenders and women rights activists have continued to be received. Discrimination against minority groups has persisted, in some cases amounting to persecution. During the reporting period, the Government made statements and overtures regarding gender equality, media freedom and the easing of online restrictions, but these were not followed by concrete steps to effectively address concerns in those areas.

4. The Government of the Islamic Republic of Iran continued to engage constructively with the United Nations treaty bodies, by recently submitting its periodic report to the Committee on the Rights of the Child. Unfortunately, the Government did not engage substantively with the special procedures of the Human Rights Council. No mandate holder, including the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, has been admitted to the country since 2005, and the number of replies to the large volume of communications transmitted by the special procedures continued to decline.

II. Overview of the human rights situation in the Islamic Republic of Iran

A. The death penalty

1. Use of the death penalty

5. During the reporting period, the United Nations High Commissioner for Human Rights and relevant special procedures of the Human Rights Council repeatedly expressed serious concern at the alarming number of executions in the Islamic Republic of Iran, urging the Government to restrict the use of and/or abolish the death penalty in law and practice. They expressed regret at the fact that the new Government had not initiated changes in that regard and that capital punishment had continued to be imposed for a wide range of offences. Several special procedures mandate holders issued communications on the matter.

6. Approximately 700 persons are reported to have been executed in 2013,[1] a dramatic rise compared with 2012. The application of the death penalty for drug-

[1] See, for example, Amnesty International, "Death sentences and executions 2013", available at http://www.amnesty.org/en/library/asset/ACT50/001/2014/en/652ac5b3-3979-43e2-b1a1-6c4919e7a518/act500012014en.pdf; see also http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Iran.

related offences constitutes more than 70 per cent of the overall executions in the Islamic Republic of Iran.[2] On 10 June 2014, in her opening statement to the Human Rights Council, the High Commissioner noted that since January 2014, more than 200 individuals had been executed, mostly for drug crimes that did not meet the threshold of "most serious crimes" under international human rights law.

7. Senior judicial officials have argued that the rising numbers of executions were necessary to combat drug-trafficking. On 4 March 2014, Mohammad Javad Larijani, Head of the High Council for Human Rights of the Islamic Republic of Iran, was quoted as saying that, instead of criticizing the Islamic Republic of Iran for its increasing numbers of executions, which stemmed from the country's assertive campaign against drug trafficking, the international community should express gratitude for this great service to humanity.[3] The authorities have also argued that drug-smuggling often involves other serious crimes such as murder and armed clashes. It appears that Afghan citizens are among those executed for drug-related offences. For example, 13 Afghan nationals, including a juvenile, were reportedly executed in April 2014 alone.

8. While noting the strenuous efforts of the Islamic Republic of Iran to combat drug trafficking, the Secretary-General stresses that there is no evidence to suggest that the death penalty has contributed to the eradication of drug trafficking in the country, and urges the Government to work with the United Nations on effective alternative strategies to address this problem.

9. In most cases, executions were reportedly carried out following proceedings that did not comply with international human rights norms regarding fair trial and due process, provided in article 14 of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a State party. People on death row were reportedly often deprived of appeal, especially in cases involving drug-related offences; trials were often held behind closed doors, with the judges having discretion to restrict lawyers' access to the defendants, and confessions obtained under duress and torture continued to be used as evidence in court proceedings. In their comments on this report, the authorities stressed that the death penalty could be used only for the most serious crimes and that defendants were granted all due process guarantees during their trials, including access to a lawyer and the right to appeal. A number of individuals were also executed in secret,[4] without relatives being informed or given the opportunity for a final visit. In certain instances, the bodies of the victims were not returned to their families for proper burial and religious rituals.

10. In addition to the wide range of offences punishable by the death penalty under Iranian law, the judiciary appeared to be expanding its scope to include political cases and non-violent economic crimes. On 5 June 2014, a group of special

[2] Amnesty International, "Iran: juvenile offender nearing execution" (19 June 2014), available at http://www.amnesty.org/en/library/info/MDE13/037/2014/en; see also http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Iran.

[3] Tasnim News Agency (22 March 2014), available at www.tasnimnews.com/Home/Single/302871.

[4] Reliable sources suggest that more than 197 persons were executed between 1 January and 10 June 2014, the majority in secret. See Amnesty International, "Iran: juvenile offender nearing execution" (19 June 2014), available at http://www.amnesty.org/en/library/info/MDE13/037/2014/en.

procedures mandate holders[5] expressed outrage at the execution of a political prisoner, Gholamreza Khosravi Savadjani, on 1 June for gathering information and collecting and sending donations to the Mujahideen Khalq Organization, accused of terrorism. Mr. Khosravi had been arrested in 2008 and initially sentenced to six years in prison for alleged espionage by a revolutionary court. In 2011, while he was serving his sentence, Mr. Khosravi was tried again. He was sentenced to death under charges of *moharabeh* (enmity against God), which were upheld on appeal. The new Islamic Penal Code, which came into force in 2013, prohibits the use of capital punishment for *moharebeh* in cases that do not involve the use of weapons. However, authorities have argued that this verdict was issued before the new code had come into effect.

11. On 24 May 2014, Mahafarid Amir Khosravi, a former businessman accused of perpetrating a $2.6 billion financial fraud, was executed after appeal.[6] Four of the 39 persons convicted in this case were sentenced to death; others received jail sentences, including life imprisonment.[7] The Secretary-General echoes the concern of several special procedures mandate holders that the fight against corruption does not justify the execution of individuals on charges of embezzlement, particularly following a trial allegedly marred by lack of transparency and fairness.[8]

12. Twenty-seven women were executed in 2013, and four were confirmed to have been executed during the first half of 2014, at least one of whom was a victim of forced early marriage. Farzaneh Moradi, who was reportedly forced into marriage at the age of 15, was hanged on 4 March 2014 in Isfahan prison after being tried for the murder of her husband. She had originally confessed to the murder, but later explained that it had been carried out by a man who had persuaded her to confess to the crime, convincing her that a young mother would not be executed. The court reportedly did not allow a revision to her original confession.[9]

13. The Secretary-General noted reports detailing *qisas* cases[10] in which the judiciary had encouraged victims' relatives to reach private settlements (blood money) even after judicial process. In some cases, the convict's life had been spared, after the victim's family had pardoned him, at the very last minute. For example, on 22 May 2014 the semi-official news outlet the Iranian Students' News Agency (ISNA) reported that an individual convicted of murder had been saved from execution after the victim's family had pardoned him. The execution order had

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[5] See http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14667&LangID=E.

[6] In their comments on this report, the authorities argued that disruption of the economic system of the country was considered a grave crime, punishable by death in the Islamic Penal Code, and that Mr. Khosravi, by committing massive fraud, had violated public rights by disrupting and damaging the country's economy.

[7] Press TV, "Iran sentences four people involved in biggest bank scam to death" (30 July 2012), available at www.presstv.com/detail/2012/07/30/253514/iran-condemns-4-to-death-in-bank-fraud/.

[8] See http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14667&LangID=E.

[9] See http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14509&LangID=E.

[10] The prosecution of *qisas* crimes must be instigated by the victim. Victims of qisas crimes are allowed to choose the punishment that will be imposed. They may opt to forgive the defendant and demand no punishment at all, or to demand a payment, known as *diyah*, as compensation for the crime.

reportedly been upheld by the appeals court as well as by the head of the judiciary.[11] In their comments on this report, the authorities reported that 125 individuals had been spared from execution in 2013, after the Government had mediated *diyah* settlements, or clemency. Despite those efforts, at least 85 persons are known to have been executed in *qisas* cases during the first five months of 2014. *Qisas* often violates the right of defendants to seek pardon or commutation under international law,[12] especially when the power of pardon is not viewed as resting with the State.

14. Although the judiciary considers *qisas* to be a private right of the victim's family that cannot be overruled by the judiciary, the Secretary-General stresses that it is the State's responsibility to stop such executions.

2. Execution of juvenile offenders

15. International human rights law imposes an absolute ban on death sentences against persons younger than 18 at the time of the commission of the offence. Article 6 of the International Covenant on Civil and Political Rights and article 37 of the Convention on the Rights of the Child, both of which have been ratified by the Islamic Republic of Iran, prohibit the imposition of the death penalty for crimes committed by children. Imposing the death penalty for offences committed by persons younger than 18 is thus incompatible with the obligations of the Islamic Republic of Iran under international human rights law. The United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice urge Member States to review, evaluate and, where necessary, update their national laws to ensure that, under legislation and practice, neither capital punishment nor life imprisonment without the possibility of release is imposed for offences committed by minors.

16. Although the revised Islamic Penal Code creates a more favourable environment for the implementation of juvenile justice standards for children in conflict with the law, it still provides for the death penalty for juvenile offenders.[13]

17. According to information gathered from reliable sources, more than 160 juveniles are currently on death row and at least two have been executed in recent months for crimes that they committed when they were younger than 18. On 18 April 2014, Jannat Mir, a 17-year-old Afghan citizen, was executed for drug-related offences in Isfahan. He was 15 at the time of his arrest and reportedly had no access to a lawyer or consular services. There is also the concern that fair trial standards were not observed in this case. The authorities did not allow Mr. Mir's family members to take his body back to Afghanistan for proper burial, and allegedly forced them to bury him in Isfahan in front of security officers. This particular case is especially troubling, because it involved a drug offence against the State, rather than a murder under the *qisas*, and therefore the power of pardon rested with the State. In another case, on 26 February 2014 Iranian media reported the execution of Mr. Ramin, who had allegedly killed his cousin following a fight. Mr. Ramin was reportedly 17 at the time of the commission of the crime.[14] The Government has not been able to confirm the details of these cases.

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[11] ISNA (22 May 2014), available at www.isna.ir/fa/news/93030100079/.

[12] International Covenant on Civil and Political Rights, article 6.4.

[13] A/68/377, para. 17.

[14] Dana News Agency (27 February 2014), available at http://dana.ir/News/66580.html.

reports that prisoners had been allegedly passing information to the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.[17]

22. The Secretary-General is concerned about the deteriorating health of a leader of the Green Movement, Mir-Hossein Mousavi, and the reported denial of access to adequate medical care, despite the serious health complications that he suffers, including high blood pressure and a worsening heart condition. Mr. Mousavi, who has been under house arrest since February 2011, has reportedly developed these health complications during his prolonged house arrest and is in need of specialist medical care. His health is reported to have further deteriorated since March 2014. Moreover, he has reportedly been denied regular contact with his relatives.[18] Special procedures have repeatedly called for the immediate release of Mr. Mousavi and another leader of the Green Movement, Mehdi Karoubi,[19] declaring their detention to be arbitrary and in violation of the international obligations and national laws of the Islamic Republic of Iran.[20] The Secretary-General calls upon the Government to immediately release the two Green Movement leaders and other political prisoners, including Mr. Pourshajari and Mr. Boroujerdi, and to facilitate their urgent and adequate access to medical care.

C. The situation of women

23. On 23 April 2014, the Islamic Republic of Iran was elected to the Economic and Social Council Commission on the Status of Women for a second consecutive term. The country has not yet ratified the Convention on the Elimination of All Forms of Discrimination against Women.[21]

24. The Islamic Republic of Iran has accomplished important achievements in the area of women's education and health.[22] More than 60 per cent of university students and 25 per cent of university lecturers are women. At present, 600 women are working in the judiciary, with 118 of them having master's or doctoral degrees.[23] Despite a reported increase in the number of female judges, women hold only 7.5 per cent of judicial positions and are not allowed to preside over a court or to issue judgements on an equal footing with male judges, which helps to undermine

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[17] On 22 April 2014, the Speaker of the Parliament's National Security Committee reportedly justified the raid and attributed it in part to the flow of information from inside the prison to the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. Tasnim News Agency (21 April 2014), available at www.tasnimnews.com/Home/Single/345618.

[18] In their comments on this report, the authorities claimed that Mr. Mousavi enjoyed specialized medical care, had access to media and held periodic meetings with his family, including participation in religious ceremonies, birthdays and funerals.

[19] The two Green Movement leaders have been under house arrest since February 2011 for staging a rally in solidarity with protesters in Egypt, for which they had sought permission from the authorities. Since their arrest, neither has been formally charged or brought before a judge to contest the legality of their detention.

[20] On 29 August 2012, the Human Rights Council Working Group on Arbitrary Detention adopted opinion No. 30/2012 on this case, finding the detention to be arbitrary, as none of these people had been charged with a crime since their arrest, nor had they been brought before a judge to contest the legality of their detention.

[21] Tehran Times, "Iran elected to five United Nations committees" (25 April 2014), available at www.tehrantimes.com/politics/115328-iran-elected-to-five-un-committees.

[22] See A/HRC/25/26.

[23] Information submitted by the Organization for Defending Victims of Violence.

the gender sensitivity of the judicial system. The Government noted that relevant measures to promote women's political and socioeconomic status had been taken. These included the appointment of women's affairs advisers to all ministries and governmental organizations; the establishment of a women's and children's rights protection centre in the judiciary; the appointment of female advisers in family courts; the enactment of legislative reforms that promoted improvements in the status of women; and the establishment of special funds in the Ministry of Justice for female victims of violence.

25. The Secretary-General welcomes the recent emphasis of the President of the Islamic Republic of Iran, Hassan Rouhani, on gender equality and his efforts to appoint women to senior government positions, including at the provincial level. On 20 April, President Rouhani, speaking at the National Forum on Women Shaping Economy and Culture in Tehran, stressed that women must enjoy equal opportunities, equal protection and equal social rights.[24] Despite those developments, women remain underrepresented at the Cabinet level and face restrictions in seeking appointment to the Guardian Council of the Constitution, the Expediency Discernment Council and high-ranking judicial positions, in violation of the right of equal access to public service set out in article 25(c) of the International Covenant on Civil and Political Rights.

D. Restrictions on freedom of expression and peaceful assembly

1. Freedom of expression

26. The Secretary-General welcomes President Rouhani's statements, made during an interview with NBC News in September 2013, that the Government wants people to be completely free in their private lives and that the right of free dialogue is the right of the people of Iran. He also notes the acknowledgment of the Minister of Intelligence and Security that the Government does not have the right to interfere in Iranians' private lives.[25] President Rouhani has pledged to decrease restrictions on freedom of expression and to ensure security for the press. Unfortunately, those promises have not yet led to significant improvements, and restrictions on freedom of expression continue to affect many areas of life.

2. Media freedom

27. The Secretary-General notes President Rouhani's promise to provide a more secure atmosphere for the media and his statement that freedom of information is a paramount aim for Iranian society.[26] This is a promising difference from previous administrations. The Minister of Culture and Islamic Guidance has also made positive statements, recognizing the rights of media employees.[27] The Secretary-General hopes that those statements will be translated into concrete steps.

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[24] BBC, "Iran President Rouhani urges equal rights for women" (20 April 2014), available at http://www.bbc.com/news/world-middle-east-27099151.

[25] ISNA, available at http://isna.ir/fa/news/93020906481/.

[26] Tehran Times, "President Rouhani vows more secure atmosphere for media" (8 March 2014), available at http://tehrantimes.com/politics/114563-president-rouhani-vows-more-secure-atmosphere-for-media-.

[27] Official news press TV, "Iran's Rouhani says his administration values responsible freedom of media" (8 March 2014), available at www.presstv.ir/detail/353831.html.

28. The country's Constitution allows for freedom of expression and of the press provided that it is not "detrimental to the fundamental principles of Islam".[28] Whereas under the International Covenant on Civil and Political Rights, restrictions on freedom of expression and information must be provided by law, must serve one of the purposes listed in its article 19.3 and must be necessary for attaining those purposes, this open-ended terminology has often been broadly interpreted by the judiciary and thus applied arbitrarily.

29. Journalists and other media personnel are frequently summoned or detained by the judiciary or face harassment and attacks by security forces. As of May 2014, the lowest reported number of journalists detained in the country stood at 23,[29] with higher reported numbers ranging between 40 and 60.[30] Charges against them ranged from "assembly and collusion" to "insulting the Supreme Leader".

30. In February 2014, Arash Aslani was sentenced to eight years in prison on charges of anti-government propaganda and insulting Islamic values based on comments he had made on social media.[31] Earlier that month, a death sentence was upheld against Rouhollah Tavana on charges of insulting the Prophet of Islam and imams in a recorded private joke, insulting leaders, producing alcoholic drinks and disturbing public opinion. He was also sentenced to three years of imprisonment for insulting the Supreme Leader and the founder of the revolution. The Supreme Court has reportedly ordered a retrial, and the case is reportedly under consideration in provincial criminal court. On 7 June 2014, Mahnaz Mohammadi, a prominent documentary filmmaker and women's rights activist, was arrested to serve a five-year prison term, which was decided upon in November 2012 and upheld by the appeals court in early 2014.[32] Ms. Mohammadi was arrested and charged for collusion against national security and spreading propaganda against the State by cooperating with foreign media, including the BBC.

31. The judiciary has shut down or suspended several newspapers. Between October 2013 and April 2014, the editor of *Aseman* was detained and the publication closed down for publishing an interview stating that *qisas* punishments were inhuman;[33] *Ebtekar* was suspended for three days for "spreading lies" regarding the discharge of the country's prisons chief; *9 Day* was suspended for a short period for allegedly publishing false information; and *Aseman*, *Bahar* and *Qanon* were shut down for publishing articles that purportedly questioned the beliefs of Shiites as well as Iranian laws.[34]

32. The Secretary-General urges the Government to take positive action to demonstrate unequivocal political commitment to freedom of the media by ending harassment, attacks and prosecution against journalists for the peaceful exercise of

[28] See article 24.

[29] See www.cpj.org/imprisoned/2013.php#iran.

[30] See www.ifex.org/iran/2014/04/15/48_journalists_behind_bars_in_iran/; http://www.ifj.org/nc/news-single-view/backpid/1/article/ifj-demands-that-iranian-authorities-free-imprisoned-journalists/ and http://en.rsf.org/iran-support-for-european-resolution-10-04-2014,46126.html.

[31] See http://en.rsf.org/press-freedom-violations-recounted-08-01-2014,45705.html.

[32] See http://www.fidh.org/article15598.

[33] See http://united4iran.org/political-prisoners-database/search/.

[34] See www.ifj.org/nc/news-single-view/backpid/1/article/ifj-demands-that-iranian-authorities-free-imprisoned-journalists/ and https://news.vice.com/article/beatings-torture-and-imprisonment-its-not-easy-being-a-journalist-in-iran.

their work. He appeals to the President and the head of the judiciary to ensure the release of all journalists and media personnel who have been imprisoned for exercising their right to freedom of expression. In order to support good governance and governmental transparency and accountability, the State must allow individuals to exercise their right to seek, receive and impart information and to engage in meaningful discourse openly in the media, both traditional and online.

3. Internet censorship

33. President Rouhani promised to ease online restrictions, calling for the country to embrace the Internet and recognize Iranians' right to gain access to it.[35] The Minister of Culture and Islamic Guidance stated that the country should embrace current technology and that Iranian culture could not advance unless there was an open environment allowing for the exchange of contrasting ideas.[36] The Secretary-General commends this departure from previous policies, which promoted ever-increasing control and censorship. However, the Secretary-General deplores the fact that it appears that these words have not yet been translated into practical measures and that the judiciary has ordered the blocking of many social media platforms and websites. It is noteworthy that, while such sites as Twitter and Facebook are blocked for most Iranians, the leadership increasingly uses social media to broadcast messages.

34. The Internet is censored by the Supreme Council for Cyberspace, the Organized Crime Surveillance Centre and the Revolutionary Guards, which means that the national Internet is under control, with content being filtered and communications intercepted. The Government argues that this is necessary to fend off cyberattacks and to protect public morals. In April 2014, the Committee for Detecting Illegal Items banned the globally popular WhatsApp, an application designed for free text messaging, arguing that it reflected illegal concepts. In May 2014, invoking the privacy concerns of the nation, the court added the social media platform Instagram to the list of blocked or heavily restricted websites.[37] Furthermore, cyberpolice have shut down numerous Internet cafés that had permitted access to social media websites.

35. In May 2014, six young men and women were arrested for making a YouTube video that showed them dancing to the popular song "Happy".[38] The video was reportedly removed, and five of the participants were detained. They were later released on bail after a forced apology. The video's director, Sassan Soleimani, was freed on bail in June and is currently awaiting trial. During the same month, eight citizens, including a British national, were sentenced on various charges, including

[35] Tweeted by @HassanRouhani on 10 October 2013.

[36] Iran Pulse, "Culture minister likens Iran's fear of Internet to fear of fax machine" (9 June 2014), available at www.al-monitor.com/pulse/originals/2014/06/iran-culture-minister-likens-internet-fears-fax-machine.html.

[37] Source: Mehr News Agency.

[38] The Guardian, "Iranian Pharrell Williams fans detained over 'obnoxious' video" (20 May 2014), available at http://www.theguardian.com/world/2014/may/20/iranian-pharrell-fans-in-custody-after-making-happy-video.

blasphemy, propaganda against the Government and insulting the country's Supreme Leader on Facebook.[39]

4. Situation of human rights defenders and activists

36. Human rights defenders and other activists who challenge or are perceived as challenging the State are exposed to sanctions. In his latest report to the Human Rights Council (A/HRC/26/29/Add.1), the Special Rapporteur on the rights to freedom of peaceful assembly and of association noted his serious concern about the physical and mental well-being of Iranians exercising their right to assemble peacefully, and stressed the State's obligation, under international treaties and law, to respect the right to assemble, both in public and in private and online, regardless of class, race, religion, belief or dissenting viewpoint.

37. Despite President Rouhani's signals of greater openness to freedom of expression, association and peaceful assembly, the Government has failed to put in place an enabling and safe environment that is conducive to free expression. The judiciary frequently uses charges involving national security and propaganda against the system to hinder the peaceful work of human rights defenders and lawyers. The Special Rapporteur on the situation of human rights defenders has expressed concern at the overly broad interpretation of security-related charges used against lawyers and human rights defenders, which has resulted in disproportionate and undue restrictions on their right to carry out their legitimate and peaceful activities in the defence and promotion of human rights.[40]

38. Various United Nations human rights mechanisms have consistently advocated the release of prominent human rights defenders and lawyers, who have faced prosecution owing to the legitimate and peaceful exercise of their professional activities. For example, the prominent lawyers and human rights activists Abdolfattah Soltani, Mohammad Ali Dadkhah and Mohammad Seifzadeh are serving prison terms for charges believed to be linked to their legitimate professional work. The judiciary has disregarded the various requests made for their release. Most recently, on 28 May, the appeals court in Tehran sentenced Maryam Shafipour, a student activist, to four years of imprisonment. Ms. Shafipour had been arrested on 28 July 2013 after responding to a summons issued by Evin Prison Court. She reportedly spent 67 days in solitary confinement, and on 2 March 2014 was sentenced to seven years in prison on charges of propaganda against the Government and for assembly and collusion against national security. While in prison, Ms. Shafipour reportedly developed heart, stomach and dental problems and was denied medical treatment outside the prison despite repeated requests.

39. The Secretary-General urges the relevant authorities to take all measures necessary to defend the fundamental freedoms of the citizens of the Islamic Republic of Iran, and appeals to the judiciary to uphold freedom of expression, association and peaceful assembly, which are enshrined in the country's Constitution and international human rights treaties.

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[39] The Telegraph, "British woman 'sentenced to 20 years in Iran for Facebook posts'" (30 May 2014), available at http://www.telegraph.co.uk/news/worldnews/middleeast/iran/10866253/British-woman-sentenced-to-20-years-in-Iran-for-Facebook-posts.html; The Daily Star, "Eight jailed in Iran over 'anti-gov' Facebook posts" (30 May 2014), available at http://www.dailystar.com.lb/News/Middle-East/2014/May-30/258251-8-jailed-in-iran-over-anti-gov-facebook-posts.ashx#axzz35RpQvCwP; see also http://www.irna.ir/fa/News/81235378/.

[40] See A/HRC/25/55/Add.3.

E. Treatment of religious and ethnic minorities

40. In April 2014, President Rouhani stated that "all ethnicities, all religions, even religious minorities, must feel justice". During the same month, the head of the High Council for Human Rights publicly acknowledged that Baha'is were entitled to the same rights as all Iranian citizens, as stipulated in the State's Constitution, and asserted that they had never been targeted because of their faith.[41] The Secretary-General welcomes these commitments to ensuring equality. However, discrimination against ethnic and religious minorities reportedly persists both in law and in practice. Baha'is remain barred from access to higher education and government employment; they also continue to experience governmental interference in private employment.[42] Restrictions are placed on their rights to assemble and worship, and numerous Baha'i websites have been blocked.[43] In May 2014, there were reportedly 366 in-country websites containing anti-Baha'i remarks, and between April and May 2014 pro-government media outlets published hundreds of anti-Baha'i articles.[44]

41. According to non-governmental sources, as of June 2014 136 Baha'is were imprisoned, another 289 were awaiting trial and 150 had been sentenced but were awaiting appeals or summonses to serve their terms on charges ranging from membership in illegal groups to the commission of acts against national security.[45] In April 2014, a court reaffirmed the sentences of 20 Baha'is convicted of political charges after trials that had fallen short of international fair trial standards. Seven Baha'i leaders are currently serving 20-year prison terms, although the new Islamic Penal Code allows a court to issue parole to individuals who have served one third to one half of their sentences. Given that more than six years have passed since these leaders were imprisoned, the Secretary-General urges their unconditional release, or at least their release on parole.

42. Despite the official recognition of Christians in the Constitution, they have long experienced discrimination. As of January 2014, at least 50 Christians were imprisoned, mostly for associating with churches outside Iran, participating in informal "house churches" and engaging in other standard Christian activities.[46] The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran reported that in 2013, 35 Christians had been sentenced to prison terms of up to 10 years for their participation in Christian activities, mostly prayers, which the Iranian authorities classify as threats to national security. In October 2013, four Christians were sentenced to 80 lashes each for consuming wine during communion.[47] The most serious offence facing Christians is apostasy, which carries a death sentence. However, while this charge has been enforced only occasionally, authorities reportedly regularly threaten its use to stop Christians from engaging in religious activity.

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[41] Iranian Labour News Agency (6 April 2014), available at http://www.ilna.ir/news/news.cfm?id=157330.

[42] The Baha'i representative to the United Nations reported at least 40 incidents involving interference with the right to employment from November 2013 to June 2014.

[43] Source: International Labour Organization.

[44] In their comments on this report, the authorities claimed that Baha'is enjoyed equal social, economic, cultural and citizenship rights and no one was imprisoned for holding an opinion or religious beliefs. They stressed that Baha'is were undertaking postgraduate and undergraduate studies and were active in the private sector.

[45] See https://www.bic.org/media/Current-situation-Bahais-in-Iran.

[46] See A/HRC/25/61.

[47] Ibid.

43. The country's ethnic minorities are frequently exposed to discrimination based on their ethnic backgrounds, religious beliefs or dissident views. Some receive harsh penalties on the ground that they have engaged in activities that threaten national security. As of October 2013, at least 20 Kurdish activists were reported to be on death row. A number of political prisoners belonging to the Arab and Baloch communities[48] have been executed since September 2013, after trials that fell short of international due process standards. On 21 February 2014, the United Nations High Commissioner for Human Rights expressed concern about the reported execution in secret in January 2014 of Hadi Rashedi and Hashem Sha'bani Amouri, both members of the Arab community in Khuzestan Province, following proceedings that did not meet international fair trial standards.[49] The two men were reportedly sentenced to death on charges of *moharebeh* (enmity against God), *mofsed fil-arz* (corruption on Earth) and acts against national security. Furthermore, the cultural rights activists Ali Chebieshat and Sayed Khaled Mousawi were reportedly executed after the Supreme Court had upheld their death sentences in early May 2014.[50] Various special procedures had issued an urgent appeal to the Government calling for a halt to the scheduled executions.[51]

44. The Secretary-General urges the Government to respect the freedom to practise the religion of one's choice, without fear of persecution or discrimination, provided for in article 18 of the International Covenant on Civil and Political Rights. The Secretary-General reiterates his call on the Islamic Republic of Iran to free all individuals imprisoned on the basis of their religion or belief. He also urges the Government to take decisive action to address discrimination in all spheres of life and to uphold and implement legislation that better protects minority groups and individuals.

F. Economic sanctions and their impact

45. For years, the Islamic Republic of Iran has been under international and unilateral sanctions owing to the controversies surrounding its nuclear programme. The President has recognized the impact of those sanctions on the country and has promised to take action to ease them and their effects. The Islamic Republic of Iran argues that the sanctions have resulted in violations of civil, political, economic, social and cultural rights and have often caused significant disruptions in the distribution of food, pharmaceuticals and sanitation supplies, jeopardized the quality of food and the availability of clean drinking water, severely interfered with the functioning of basic health and education systems and undermined the right to

[48] On 26 October 2013, 16 individuals belonging to the Baloch community were executed following the killings of 14 border guards by an armed group at the border with Pakistan. There is no reported proof that those executed were involved in the incident, as all had previously been tried, convicted and sentenced to death well before the incident took place. See A/HRC/25/26.

[49] In their comments on this report, the authorities noted that Mr. Rashedi and Mr. Amouri were accused of armed conflict, planning to assassinate political leaders, attacking military facilities and membership in the separatist group Al-Muqavemah Al-Shaibiyah Le-tahrir Al-Ahvaz.

[50] The authorities alleged that Mr. Chebieshat and Mr. Mousawi were accused of terrorist acts including the bombing of oil and gas pipelines.

[51] See Amnesty International, "Iran: halt the execution of 33 Sunnis — accounts of cases raise fair trial concerns" (13 June 2014), available at http://www.amnesty.org/en/library/info/MDE13/032/2014/en?refresh=2491672220.

work.[52] While it is difficult to assess the direct impact of the sanctions, it is accepted that they have affected most of the country's sectors, including the economy, health care and the environment. In January 2014, negotiations between the Islamic Republic of Iran and the five plus one group resulted in some sanction relief in exchange for the suspension of the country's most sensitive nuclear programme activities over a six-month period.

46. Since the presidential elections of June 2013, the economy has shown signs of improvement.[53] The exchange rate has increased, and as of January 2014 the inflation rate had declined to 29 per cent. The International Monetary Fund has labelled the country's economic development as "promising", predicting that it would emerge from recession by 2014 with an inflation rate of 23 per cent, decreasing from 35 per cent in 2013.[54] With nascent signs that the speed of contraction in the country is slowing, it is anticipated that the economy will begin to stabilize during the period 2014-2015, with gross domestic product expected to rise as much as 2 per cent.[55] Despite those optimistic predictions, unemployment remains high and one fifth of the population reportedly lives under the poverty line.

47. While sanctions exempt the financing and importation of humanitarian items such as food and medicine, foreign companies and banks have been very cautious, often opting not to conduct business in the Islamic Republic of Iran owing to fear of repercussions. The hindrance of the acquisition and distribution of medical and pharmaceutical supplies is also due in part to the difficulties that insurance companies experience when attempting to provide coverage to Iranian importers and exporters.

48. Sanctions against the Islamic Republic of Iran have restricted the sale of gasoline and equipment or services that would assist in developing the country's fuel refining processes and in curbing air pollution. According to the latest figures of the World Health Organization (WHO), 4 of the 10 most polluted cities in the world are in the Islamic Republic of Iran,[56] and the country's air quality is the fifth worst in the world.[57] The Ministry of Health and Medical Education has reported that the rise in respiratory and heart disease and cancers is due to pollution. Owing to high pollution levels, the country has occasionally temporarily shut down schools, banks and government offices; the sick and elderly have been told not to leave their homes; and people have been banned from driving their cars on designated days.[58]

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[52] A/69/97, paras. 9 and 10.

[53] Tehran Times, "Iranian economy will return to growth in 2014: Business Monitor" (20 May 2014), available at www.tehrantimes.com/economy-and-business/115847-iranian-economy-will-return-to-growth-in-2014-business-monitor.

[54] Tehran Times, "IMF calls Iran's economic development 'promising'" (11 April 2014), available at www.tehrantimes.com/economy-and-business/115005-imf-calls-irans-economic-development-promising, and "Iran's inflation rate hits 32.5%: Central Bank" (30 April 2014), available at www.tehrantimes.com/economy-and-business/115441-irans-inflation-rate-hits-325-central-bank.

[55] Tehran Times, "Iranian economy will return to growth in 2014: Business Monitor" (20 May 2014), available at www.tehrantimes.com/economy-and-business/115847-iranian-economy-will-return-to-growth-in-2014-business-monitor.

[56] See http://www.who.int/mediacentre/news/releases/2011/air_pollution_20110926/en/.

[57] ABC News, "Air pollution: 10 countries with the world's dirtiest air" (9 May 2014), available at www.abc.net.au/news/2014-05-08/10-countries-with-the-worlds-dirtiest-air/5438872.

[58] Newsweek, "Choking to death in Tehran" (20 March 2014), available at www.newsweek.com/2014/03/28/choking-death-tehran-248027.html.

49. WHO has observed that by-products of car emissions are a prime contributor to the high cancer rates found in the world's most polluted cities.[59] The head of the Iranian parliamentary committee for health care claimed that at one point Iranian petroleum contained 10 times the level of contaminants of imported fuel, and environmental investigators found that the level of sulphur in diesel gas sold in Tehran was roughly 800 times the international standard for sulphur. In addition, some experts have argued that sanctions, while problematic, have only compounded issues that were already contributing to pollution, such as population increase and mismanagement.[60] President Rouhani has stated that the administration will channel revenues from subsidy cuts into environmental programmes.[61]

50. Sanctions have also had a damaging impact on the agricultural sector, owing to the difficulties experienced in obtaining the technology and funds required for agricultural production. The lack of environmentally friendly technologies has reportedly affected wastewater and waste management quality standards as well. Sanctions have reportedly reduced agricultural exports, which has decreased agricultural revenues. This in turn has compelled rural populations to use more of the country's natural resources, placing additional burdens on the environment.

51. The Secretary-General believes that the human rights and environmental impacts of sanctions policies deserve the close attention of both the Iranian authorities and sanctions-imposing Member States, with a view to relieving their effects on the population.

III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

A. Cooperation with the United Nations human rights treaty system

52. The Islamic Republic of Iran is party to five of the United Nations core human rights treaties,[62] as well as to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It is also a signatory to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Government has declared that it has not ratified additional international human rights treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as a result of differences with Islamic doctrines and values.

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[59] See World Health Organization, *Health Effects of Particulate Matter: Policy Implications for Countries in Eastern Europe, Caucasus and Central Asia (2013)*, available at www.euro.who.int/__data/assets/pdf_file/0006/189051/Health-effects-of-particulate-matter-final-Eng.pdf.

[60] Newsweek, "Choking to death in Tehran".

[61] Tehran Times, "Subsidy savings to boost health care, public transport: Rouhani" (30 April 2014), available at www.tehrantimes.com/economy-and-business/115442-subsidy-savings-to-boost-healthcare-public-transport-rouhani.

[62] The International Covenant on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities.

53. In terms of specific treaties, owing to delays, the Committee on the Rights of the Child invited the Islamic Republic of Iran to submit a consolidated report by February 2010 under the Convention on the Rights of the Child. The Secretary-General welcomes the fact that in March 2013, the country submitted its third report, which is to be reviewed by the 71st pre-sessional working group of the Committee, in June 2015. Furthermore, in December 2013 the Islamic Republic of Iran submitted its first report to the Committee on the Rights of Persons with Disabilities.

54. The Secretary-General regrets the lack of cooperation on the part of the Islamic Republic of Iran with the Human Rights Committee, which has repeatedly sought information on the implementation of the recommendations contained in paragraphs 9, 12, 13 and 22 of its concluding observations (CCPR/C/IRN/CO/3). The Secretary-General encourages the Government to promptly provide the information requested by the Committee and to engage in constructive dialogue with the treaty bodies as a critical mechanism for the review and improvement of human rights in the country.

55. The Secretary-General emphasizes the importance of full compliance with the follow-up mechanisms of treaty bodies, and encourages the Islamic Republic of Iran to seize the opportunity to examine progress made in the application of the human rights treaties by means of accurate, regular and timely State reporting.

B. Cooperation with special procedures

56. Both the Secretary-General and the United Nations High Commissioner for Human Rights have repeatedly stressed the importance of allowing the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to visit the country. Since his appointment in August 2011, the Special Rapporteur has officially requested the Iranian authorities to invite him to undertake a country visit but so far he has not received a positive response. On a positive note, the Special Rapporteur has had some contacts with Iranian officials outside the country. He was able to meet with the Permanent Missions of the Islamic Republic of Iran in Geneva and in New York as well as with representatives of the judiciary, members of Parliament and the deputy head of the Iranian High Council for Human Rights. The Secretary-General welcomes this and encourages further dialogue.

57. In 2002, the Government issued a standing invitation to all thematic special procedures. However, despite this, no visits have been permitted since 2005. The Secretary-General remains hopeful that the standing invitation will be honoured in the future and that visits by the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of religion or belief will be authorized.

58. Additionally, the Secretary-General is troubled by the low number of replies by the Islamic Republic of Iran to the many communications sent by special procedures mandate holders. Communications continued to raise concerns regarding executions; torture; the arbitrary arrest and detention of journalists, human rights activists and lawyers; poor prison conditions; the denial of medical care to and the ill treatment of prisoners; custodial death; unfair trials; violence against women; discrimination on the basis of religion; and freedom of expression. Of the

25 communications sent in 2013, the authorities replied to only 10. As of June 2014, the response rate had declined further, with the Government replying to only 2 out of 10 urgent appeals communications.

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

59. The United Nations High Commissioner for Human Rights continued to raise human rights concerns with Iranian officials, including in meetings with the Minister for Foreign Affairs. She also intervened with authorities on several individual human rights cases, through private meetings, letters and public statements. These were related mainly to the rights of women, the death penalty and the rights to freedom of expression and peaceful assembly.

D. Universal periodic review

60. The Government of the Islamic Republic of Iran underwent its first universal periodic review on 15 February 2010. It accepted 123 out of the 189 recommendations made. With a view to the second review of the Islamic Republic of Iran, scheduled for October and November 2014, the Secretary-General welcomes the country's submission of its national report on the implementation of the recommendations resulting from the first review. He calls upon the Government to actively involve civil society actors and other relevant organizations in preparing for the second review and to seek assistance from the United Nations in order to ensure follow-up on the resulting recommendations.

IV. Recommendations

61. **The Secretary-General welcomes the positive statements and overtures in relation to freedom of expression and non-discrimination made by the Government of the Islamic Republic of Iran under President Rouhani, and encourages the authorities to translate them into concrete steps.**

62. **The Secretary-General remains deeply troubled by reports of increasing numbers of executions, including of political prisoners, and reiterates his call on the Government to introduce a moratorium on the use of the death penalty, and to prohibit executions of juvenile offenders in all circumstances.**

63. **The Secretary-General urges the Government to create space for human rights defenders, lawyers and journalists, and to release political prisoners, including human rights defenders and lawyers detained solely for legitimately exercising their rights to freedom of expression, association and peaceful assembly.**

64. **The Secretary-General encourages the authorities to promote and protect human rights in the Islamic Republic of Iran with a view to strengthening a national human rights culture. The Secretary-General urges the Government of the Islamic Republic of Iran to establish an independent national human rights institution, as also recommended by the Committee on Economic, Social and Cultural Rights.**

65. **The Secretary-General regrets that, despite repeated requests for a country visit, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has still not been admitted to the country. The Secretary-General renews his call on the Government to fully cooperate in the fulfilment of the Special Rapporteur's mandate by inviting him to the country in the near future, as well as the thematic special procedures mandate holders in line with the standing invitation extended by the Islamic Republic of Iran.**

66. **The Secretary-General welcomes the engagement of the Islamic Republic of Iran with United Nations human rights treaty bodies, and urges the country to follow up on the concluding observations of all treaty bodies, and to ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

67. **As the Islamic Republic of Iran is scheduled to appear before the Human Rights Council for its second cycle of the universal periodic review later this year, the Secretary-General calls upon the Government to actively involve civil society actors and organizations in preparing for the review and to use the opportunity to engage in frank discussions and reflect on its human rights record over the past four years.**

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Situation of human rights in Belarus

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in Belarus, Miklós Haraszti, submitted in accordance with Human Rights Council resolution 23/15.

* A/69/150.

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Report of the Special Rapporteur on the situation of human rights in Belarus

Summary

The present report is submitted to the General Assembly at its sixty-ninth session by the Special Rapporteur on the situation of human rights in Belarus in accordance with Human Rights Council resolution 23/15. The report focuses on the state of freedom of association and the impact of the legal framework and legal practices on non-governmental organizations and human rights defenders in Belarus. The Special Rapporteur identifies the main obstacles hampering the activities of civil society organizations and human rights defenders in the country. Findings indicate that such organizations and individuals continue to endure extreme political pressure and a restrictive regulatory setting, and that civil activities outside the official framework are criminalized. In breach of the country's international human rights commitments, these policies have purposefully paralyzed the exercise of citizens' right to full and inclusive participation in public life. The Special Rapporteur also provides recommendations aimed at improving the situation.

I. Introduction

A. Background

1. The present report, mandated by Human Rights Council resolution 23/15, focuses on the impact of legislation and practice with regard to non-governmental organizations (NGOs) on human rights defenders in Belarus.

2. The mandate of the Special Rapporteur on the situation of human rights in Belarus, established by the Human Rights Council in its resolution 20/13 in 2012, has been extended twice.

3. In its latest resolution on Belarus, resolution 26/25 of 27 June 2014, the Council expressed "deep concern at continuing violations of human rights in Belarus, which are of a systemic and systematic nature, as well as at the use of torture and ill-treatment in custody, the lack of response by the Government of Belarus to cases of enforced disappearance of political opponents, the impunity of perpetrators of human rights violations, the violations of labour rights amounting to forced labour, the significant gaps in anti-discrimination legislation, the pressure on defence lawyers, and the lack of participation of opposition political parties in Parliament".

4. In his report to the sixty-eighth session of the General Assembly (A/68/276), the Special Rapporteur focused on human rights in the context of electoral processes in Belarus. In particular, the report explored the patterns of systemic human rights violations in electoral processes, with the incumbent president having been in office for nearly 20 years and the lack of opposition members elected to Parliament. The Special Rapporteur also highlighted the direct correlation between a freely functioning civil society and the enjoyment of the right to genuine periodic elections set out in article 25 (b) of the International Covenant on Civil and Political Rights "guaranteeing the free expression of the will of the electors".[1] It is notable that the freedoms of peaceful assembly and association were among the first rights to be violated in the circumstances of unfree and unfair elections.

5. In the past two decades, there has been a pattern of mass-scale pressure and harassment against civil society actors in Belarus involving recurring violence, specifically during or in the immediate aftermath of presidential and parliamentary elections. The latest example was the 19 December 2010 presidential election, when over 600 persons were detained and dozens of civil society activists, journalists, politicians and their supporters were arrested. Many subsequently faced trial and were sentenced to prison terms.[2] Offices of many civil society organizations and human rights defenders were raided and searched by security and/or police officers, and equipment and documentation was confiscated. Several observers, researchers and human rights experts anticipate repetition of the same trend during the upcoming 2015 presidential elections.

6. In his report to the twenty-sixth session of the Human Rights Council, the Special Rapporteur underlined that the overall situation of human rights in Belarus has not shown improvement.[3] The systematic disrespect for human rights and

[1] Resolution 2200 A (XXI), annex.
[2] A/HRC/20/8, para. 45.
[3] A/HRC/26/44, para. 2.

frequent violations and denial of fundamental freedoms, including freedom of association, have long become structural and endemic. Evident lack of progress or political will in improving national legislation and practices, which remain largely restrictive, demonstrate the systematic and systemic nature of human rights violations in Belarus. This situation has a direct impact on the functioning of civil society.

B. Methodology

7. Although the present report aims to provide an overview of the long-standing overall conditions affecting civil society in Belarus, emphasis is put on the most recent developments.

8. In the preparation of the report, the Special Rapporteur was guided by the principles of independence, objectivity, impartiality and cooperation with all relevant stakeholders, including the Government of Belarus.

9. The Special Rapporteur has repeatedly contacted the Government since his nomination but has not received any reply. The latest communication was sent following the renewal of his mandate, in which he reiterated his request to visit the country and engage in dialogue with the authorities and other stakeholders. [4] Regrettably, the Government repeatedly refused to recognize the Special Rapporteur's mandate and failed to grant access to the country.

10. The Special Rapporteur was nevertheless able to gather information remotely from primary and secondary sources, including public analytical reports by Belarusian and international civil society groups and human rights defenders, research papers, media reports, individual communications and publicly available Government statements and reports.

11. In preparing this report, the Special Rapporteur, for the first time, used a questionnaire designed to collect first-hand information on the experience of members of Belarusian non-governmental organizations and human rights defenders with the laws and conditions under which civil society operates in the country. More specifically, the questionnaire solicited information with regard to registration, obtaining of funding, allegations of harassment, detention, inhuman treatment, trials or limitations of freedom of movement or expression.

12. The information collected as at 1 August 2014 has been thoroughly studied and analysed, and individual cases and accounts have been verified. The information in the report is not intended to present an exhaustive account of situations or circumstances, but rather to highlight major trends and patterns faced by civil society actors in Belarus.

13. In addition, the Special Rapporteur examined the relevant observations and recommendations made by the United Nations human rights mechanisms and used the recommendations of the universal periodic review of Belarus and the treaty bodies' review of Belarus as the thematic framework for his report. In the course of his work, the Special Rapporteur sought inputs from the thematic special procedures

[4] Note verbale sent to the Permanent Mission of Belarus to the United Nations Office at Geneva on 22 July 2014.

and, in particular, the special procedures on human rights defenders and on freedom of association and assembly.

14. On the basis of the collected factual information and analysis, in the last chapter of the report the Special Rapporteur presents recommendations to improve the human rights situation in Belarus in areas pertaining to civil society.

II. International legal framework for human rights defenders

15. International human rights law provides a broad framework to support States in the implementation of their obligations, inter alia, to protect and promote the rights of human rights defenders, to create a safe enabling environment for them to carry out their work and to respect the rights of freedom of association, assembly and expression. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration of Human Rights Defenders), adopted by consensus by the General Assembly in its resolution 53/144, contains a series of principles and rights based on human rights standards enshrined in other international instruments which are legally binding, emanating notably from the Universal Declaration of Human Rights (article 20 (1))[5] and the International Covenant on Civil and Political Rights[1] (articles 21 (right of peaceful assembly), 22 (right to freedom of association) and 19 (the right to freedom of expression and to hold opinions without interference)).

16. The work of the international human rights mechanisms, in particular relevant special procedures — the Special Rapporteur, and previously the Special Representative of the Secretary-General, on the situation of human rights defenders and the Special Rapporteur on the rights to freedom of assembly and association — and the treaty bodies have contributed to further explicating these rights and developing the conceptual framework.[6]

17. In 2011, the Human Rights Council adopted resolution 13/13 on the protection of human rights defenders, in which it urged States to take timely and effective action to prevent and protect against attacks on and threats to human rights defenders. In March 2013, the Council adopted resolution 22/6, focusing on the use of legislation to provide significant guidance on creating a safe and enabling environment for human rights defenders. This landmark text represents the strong stance taken by States against the misuse of legislation and the criminalization of defenders.[7]

18. The Declaration on Human Rights Defenders recognizes, in article 18, the important role in society of those who work for the promotion and protection of human rights, ensuring that it remains open and pluralistic, promotes human rights

[5] Resolution 217 A (III).

[6] See *Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (2011) (www.ohchr.org/EN/Issues/SRHRDefenders).

[7] See also Human Rights Council resolutions 24/5 on the rights to freedom of peaceful assembly and of association, 24/24 on cooperation with the United Nations, its representatives and mechanisms in the field of human rights and 25/38 on the promotion and protection of human rights in the context of peaceful protests.

and fundamental freedoms and contributes to the promotion and advancement of democratic societies, institutions and processes. However, human rights defenders can only do this if they are able to work in a safe and enabling environment where they are recognized and empowered by the State, institutions and other stakeholders.

19. The Special Rapporteur on human rights defenders has delineated the elements of a safe and enabling environment for human rights defenders as including: a conducive legal, institutional and administrative framework; access to justice and an end to impunity for violations against defenders; strong and independent national human rights institutions; effective protection policies and mechanisms paying attention to groups at risk; specific attention to women defenders; non-State actors that respect and support the work of defenders; safe and open access to international human rights bodies; and a strong and dynamic community of defenders.[8]

20. The Human Rights Committee, in its general comment No. 25, states that "citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association".[9] The Special Rapporteur on human rights defenders has repeatedly underlined the importance of defenders being able to exercise their rights to freedom of opinion and expression, association and peaceful assembly without undue restrictions in law or practice.[10]

21. National human rights institutions compliant with the Paris Principles also play a key role in ensuring a safe and conducive environment for defenders,[11] as highlighted also in Human Rights Council resolution 22/6.

22. The Special Rapporteur on freedom of assembly and association has pointed out that the International Covenant on Civil and Political Rights does not make a distinction between registered and unregistered associations.[12] Accordingly, those founding an association should be free to decide whether or not to register their non-governmental organization in order to obtain legal status, and defenders should have the right to form groups to carry out legal activities without the obligation to register as legal entities, in accordance with article 22 of the Covenant and article 5 of the Declaration on Human Rights Defenders. In 2002, the Human Rights Committee reiterated that non-governmental organizations should be able to discharge their functions without prior authorization and that failure to obtain prior authorization from the authorities should not lead to criminal prosecution.[13] In her report to the Human Rights Committee in December 2013, the Special Rapporteur on human rights defenders observed a disturbing trend towards the criminalization of activities carried out by unregistered groups.[14]

23. The Special Rapporteur on freedom of assembly and association recalled that the formation of associations should not be subject to a prior authorization procedure, but rather regulated by a system of notification that is simple, easily

[8] A/HRC/25/55, para. 61.
[9] A/51/40, Vol. I, annex V, general comment No. 25 (1996), para. 8.
[10] A/HRC/25/55, para. 66.
[11] A/HRC/22/47, paras. 38-45.
[12] A/HRC/23/39, para. 17; see also A/HRC/20/27, paras. 58 and 59.
[13] See CCPR/CO/76/EGY, para. 21.
[14] A/HRC/25/55, para. 68; see also A/64/226, para. 22.

accessible, non-discriminatory and non-onerous or free of charge.[15] Moreover, permission should not be required for gathering peacefully.[16]

24. The ability to access funds, regardless of the origin of funding, has been widely recognized as integral part of the right of freedom of association, as repeatedly highlighted by the Special Rapporteur on the rights of freedom of assembly and association.[17] The right "to solicit, receive and utilize resources" is recognized in article 13 of the Declaration on Human Rights Defenders. The Human Rights Council, in its resolution 22/6, urges States to ensure that reporting requirements placed upon organizations do not inhibit functional autonomy and that restrictions are not discriminatorily imposed on potential sources of funding.

25. The Special Rapporteur on human rights defenders also warned about restrictions on funding from abroad, which lead to associations risking treason charges, having to declare themselves "foreign agents" or to seek prior approval to fundraise, and expressed concern that justifications for this are often aimed at restricting the activities of defenders.[18]

26. United Nations treaty bodies have repeatedly emphasized the obligation of States to allow civil society to seek, secure and utilize resources, including from foreign sources.[19] In 2011, the Committee against Torture recommended that Belarus "enable [non-governmental organizations] to seek and receive adequate funding to carry out their peaceful human rights activities".[20] In its communication No. 1274/2004, the Human Rights Committee observed that "the right to freedom of association relates not only to the right to form an association, but also guarantees the right of such an association freely to carry out its statutory activities. The protection afforded by article 22 extends to all activities of an association".[21]

III. National legislation and practice

A. Overview

27. Since the creation of his mandate, the Special Rapporteur has noted that in Belarus the rights to freedom of association, peaceful assembly and opinion and expression are severely restricted in law and in practice through a highly dissuasive, permission-based regime which practically prohibits the exercise of the public freedoms that are essential in any democratic society.

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[15] A/HRC/20/27, paras. 58-59 and 95.

[16] Ibid., para. 28, and A/HRC/23/39, paras. 43-78.

[17] A/HRC/23/39, paras. 8-42; the *Guidelines on the Protection of Human Rights Defenders* of the Organization for Security and Cooperation in Europe (OSCE) also reaffirm that States should not place undue restrictions on non-governmental organizations to seek, receive and use funds in pursuit of their human rights work and must not criminalize or delegitimize activities in defence of human rights on account of the origin of funding (OSCE *Guidelines*, para. 73, June 2014); recommendation CM/Rec(2007)14 of the Council of Europe on the legal status of non-governmental organizations also reaffirmed this right.

[18] A/HRC/25/55, para. 69; see also A/66/203, para. 70, and A/59/401, para. 82 (l).

[19] See CERD/C/IRL/CO/2, para. 12; CRC/C/COD/CO/2, para. 25; CRC/C/MWI/CO/2, para. 25; and CEDAW/C/NLD/CO/5, para. 21.

[20] CAT/C/BLR/CO/4, para. 25.

[21] A/62/40 (Vol. II), annex VII. Q, communication No. 1274/2004, *Korneenko et al.* v. *Belarus*, para. 7.2.

28. The three main stumbling blocks that disable civil society activism are: the restrictive, permission-based rules on registration; the ensuing widespread refusal of registration; and the criminalization of unregistered civil activities and funding.

29. Firstly, all public activities and events require prior authorization by different government levels. In particular, the registration of civil society organizations is a legal prerequisite for any activities performed by them. The registration is permission-based instead of notification-based, which implies that such a decision is at the discretion of the authorities. The system of permission-based registration is therefore restrictive in itself.

30. Secondly, the process of applying for registration is also highly obstructive, involving meeting a number of complicated and cumbersome administrative requirements, lengthy procedures, lack of transparency and the selective application of laws and regulations. A common feature of these time-consuming and costly procedures is that their unnecessarily strict requirements allow for a discriminatory refusal of registration by the authorities. Civil society groups are repeatedly and arbitrarily denied registration on various grounds, many of which are not even mentioned in the legislation or regulations. Certain human rights NGOs, including lesbian, gay, bisexual and transgender (LGBT) organizations, are denied registration on politically motivated or discriminatory grounds, although the authorities formally provide other reasons and justifications for their refusal to register the organization.

31. Lastly, participation in the activities of unregistered associations is criminalized under Belarusian law. Another common consequence of such unauthorized participation is that independent individual human rights activists are prevented from practising their profession as human rights experts or advocates. Authorities rigorously impose this ban, and persons involved in unregistered groups receive warnings or may be sentenced to up to two years imprisonment. In the spring of 2013, four such warnings about unregistered public activities were issued by the authorities.[22]

32. Additionally, without registration, NGOs are forbidden to receive funding. While civil society activists in Belarus do engage in activities through unregistered groups, thus defying the law that expressly punishes such engagement, the underlying funding for such activities may be presented as an unrelated financial crime, such as tax fraud, that is, a crime committed not in defence of civil rights but for personal gain. The described, cumulatively forbidding, set of regulations is often used for the targeted harassment and persecution of human rights activists. The most prominent case presented as tax fraud was that of Ales Bialiatski, a human rights defender and chairperson of the Viasna Human Rights Center, who was sentenced to four and a half years in prison for administering foreign funding for Viasna.

33. Even when registration is eventually obtained, the right of organizations to solicit and obtain funding is yet another overregulated area, and the Government periodically introduces new measures to tighten control. NGOs are denied the right to receive direct funding from foreign sources and all international funds must be first registered and approved by the state authorities, which then determine the amount that may be actually transferred to organizations. The complexity and non-transparency of the funding process discourages many donors from providing

[22] See Legal Transformation Center (Lawtrend), "Freedom of association and legal status of non-commercial organizations in Belarus", review of the year 2013 (www.lawtrend.org/eng).

funding to Belarusian civil society organizations and forces the latter to breach artificial regulatory constraints.

34. Registered civil society organizations face administrative discrimination and bureaucratic harassment if their agenda does not please the Government. They are often checked by the tax office, anti-fire control services or security offices. These inspections often end in searches and confiscation of equipment, publications and documents. Authorities use any opportunity to charge the members of independent NGOs with minor administrative transgressions (such as "public swearing", "hooliganism" and the like). Some human rights activists find their names on lists banning them from leaving the country or travelling abroad. Currently, members of some international human rights organizations, are banned from entering Belarus, even if their citizenship does not require an entry visa.

35. Unlike the independent civil society organizations, pro-governmental public organizations perceived as loyal to the State do not face any obstacles in carrying out their work. Moreover, the Government often demonstrates noticeable preferential treatment of such pro-governmental organizations, including through support and funding. Some of these organizations are created by the State with the aim of ensuring greater control over civil society activism. However, in 2013, the Government shortened the list of public associations and foundations which receive a preferential rental rate for state properties.

36. Independent NGOs, and particularly human rights defenders, operate in conditions of constant political pressure from the country's authorities and its entirely State-dependent mass media. There is no universal recognition of the right to independent civil society activities, nor is there any recognition of the legitimacy of human rights defenders and their work.

37. The Government portrays as hostile, unpatriotic or even anti-Belarus any criticism made by civil society organizations or human rights defenders. In the State-controlled media, independent human rights experts and organizations are often portrayed as "agents of foreign intelligence services" conspiring against the State. Systematic defamation and accusation of independent NGOs and human rights defenders in "activities discrediting the Republic of Belarus", which are spread by State-owned print and broadcast media, contribute to the stigmatization and marginalization of human rights defenders and significantly curtail civil society activism.[23]

38. In some cases the authorities resort to reprisals against NGOs that criticize aspects of the Government's action, particularly if such criticism is communicated to international organizations. Usually, the Ministry of Justice or another State body in charge of the registration of NGOs issues an official warning to civil society activists. Should an NGO receive two such warnings in the course of one year, the authorities may decide to dissolve it. Since the establishment of the mandate of the Special Rapporteur, several such warnings threatening to dissolve critical civil society organizations have been issued by the Ministry of Justice.

39. The absence of a national human rights institution is one of the reasons why the institutional settings for the promotion and protection of human rights in the

[23] See Netherlands Helsinki Committee (http://www.nhc.nl/en/news/NHC_to_enhance_work_in_support_of_human_rights_defenders_in_post_Soviet_countries.html?id=227).

country remain deficient. In 2010, the Government accepted recommendation 4 of the universal periodic review of the country, that it "consider the establishment of a national human rights institution in accordance with the Paris Principles".[24] Despite some initial preparatory work, which was welcomed by the Special Rapporteur in his previous reports, Belarus is still far from establishing such an institution. Given that four years have passed since the first universal periodic review cycle, the unwillingness of the Belarusian authorities to establish a national human rights institution may be attributed to the lack of political will or genuine desire to implement their commitment. Notably, the Paris Principles envisage the active cooperation of civil society organizations and human rights defenders with the national human rights institution.

40. According to the Ministry of Justice, in 2013 the number of registered public associations and foundations decreased in comparison with 2012, reaching the lowest number of public associations since 2005. As at 1 January 2014, there were 2,521 public associations, 231 of which were international, 694 national and 1,596 locally registered organizations.[22] Many of these organizations are progovernmental, often incorporated into the State and Government funded. More than half of the newly registered public associations in 2013 were related to sports activities.[22]

B. National legislation

41. Despite the legislative changes undertaken by the authorities over time, for decades Belarus has had the most restrictive legislation in Europe for the regulation of freedom of association. The overall philosophy of relevant Belarusian laws, in part inherited from the former totalitarian system, is based on severe State control and a strict permission-based approach to civil society activism. Deficient legislation results in laws that leave space for a broad interpretation of regulations, which in fact are calculated to increase the likelihood of arbitrary decision.

42. Additional problems are caused by the fact that the legal framework pertaining to public association is subjected to frequent amendments, conceived in the same restrictive spirit. For example, the "Law on public associations", which is the fundamental legal act for the civil society organizations, has been amended 11 times since its adoption (that is, once every two years).[22] The general nature of legislative processes in Belarus is not transparent. Laws affecting the work of civil society organizations are amended without proper consultation with NGOs or with independent human rights experts, and proposals from NGOs are only considered nominally, if at all, and in such cases are frequently found to be "unreasonable".

43. The other defining piece of law is the Criminal Code of Belarus, which puts strict limitations on civil society activism. Article 193.1 of the code criminalizes unregistered public associations, foundations and their members.[25] Simple members of such organizations face criminal liability and may be imprisoned for up to two years.

44. The rules on NGO funding alone would inhibit the compliance of Belarus with international obligations to promote a meaningful independence for civil society.

[24] A/HRC/15/16, para. 97.4.

[25] The International Center for Not-for-Profit Law, *NGO Law Monitor: Belarus*, 2 May 2014 (www.icnl.org/research/monitor/belarus.html).

Article 21 of the "Law on public associations" criminalizes any unauthorized foreign funding for NGOs. It also prohibits civil society organizations from opening bank accounts abroad.[22] Article 23.24 of the code on administrative offences specifies that violation of the above-mentioned legal provisions may lead to the confiscation of unauthorized funds and the payment of a fine equal to the amount of the latter.[26] In case an offence is repeated within one year, the NGO member(s) is liable to a two-year prison sentence, as envisaged in article 369.2 of the Criminal Code.

Positive developments

45. Since January 2014, Belarus has introduced a number of amendments to its legislation on public associations. On 20 February 2014, amendments to the law on public associations and on political parties came into force.[27] A number of positive elements were introduced to the law, such as reducing the obligatory number of founders from various regions required to establish a public organization, reducing the number of documents required for registration, clarifying certain regulations for the registration of international public associations and other technical improvements. The law also imposed additional requirements for the dissolution of public associations, which, in principle, should increase the protection of NGOs from administrative harassment and the arbitrary decisions of bureaucrats.[22] Lastly, the law changed the definition of public association. It remains to be seen how these changes may affect NGOs.[26]

46. On 20 February 2014, two resolutions came into force, which established a standard for the transformation of public associations into political parties.[28] The Special Rapporteur welcomes these measures, which, in principle, should facilitate the broadening of space for civic activists, and in the meantime endorses the implementation of these measures in practice.

47. The above-mentioned positive developments did not, however, change the overall restrictive nature of the Belarusian legislation pertaining to the functioning of public organizations. For example, the sources of funding from foreign States or organizations with foreign investments remain restricted.[22] The law still requires at least 50 founders in total from various regions in order to establish a national public association.[22] Moreover, new legal and administrative hurdles were added to the existing laws. One of these is resolution No. 19 of the Ministry of Justice, which amended the application forms for the registration of non-profit organizations and their charters which existing registered NGOs must also fill out and submit, introducing a retroactive requirement and thus creating an additional bureaucratic burden on NGOs.

48. On 1 May 2013, Presidential decree No. 2 on additions and amendments to the decree of the President Belarus of 16 January 2009 (No. 1) came into force,

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[26] See RHRPA "Belarusian Helsinki Committee", *Analysis of Amendments Initiated to be Introduced into the Legislation of the Republic of Belarus* (http://www.belhelcom.org/en/node/14434).

[27] These amendments were adopted on 2 October 2013 and signed by the President on 4 November 2013 (A/HRC/26/44, para. 24).

[28] The resolutions are on the regulation of the registration of the organizational structures of political parties and public associations and of the organizational structure of political parties and the shutdown of public associations.

expanding the grounds for the liquidation of non-commercial organizations. One of the grounds for the liquidation of an organization is if one of its members is placed on a "preventative record" (probation, which in Belarus is only formally subjected to judicial control) and the NGO does not replace that member within two months.[22] This provision may be potentially abused by the authorities by bringing minor administrative charges against members of independent NGOs and using this as a pretext to liquidate them.

49. Furthermore, since 1 April 2014, non-profit organizations are required to pay a tax of 150,000 Belarusian roubles (increased from 130,000) for the registration of their organizations, amending their charters or other administrative steps.[22]

C. National practice and its impact on the functioning of civil society

50. In his past reports, the Special Rapporteur has repeatedly noted that the scope of freedom of association is limited by various provisions of the criminal and administrative codes as well as by overtly restrictive registration regulations and their draconian application, and he continues to be concerned about the threefold oppressive framework consisting of an overly restrictive registration regime, the selective denial of registration and the criminalization of organizations functioning without registration.[29] He refers in this context to the conclusions of the Special Rapporteur on human rights defenders, who points out that the application of legal and administrative provisions or the misuse of the judicial system to criminalize defenders and to stigmatize their activities is in breach of international human rights law, principles and standards.[30]

Threats, harassment

51. Threats and warnings are used routinely to intimidate human rights defenders in order to prevent them from carrying out their activities. Although there have not been any sentences based on article 193.1 of the Criminal Code against human rights defenders during the 2012-2013 period, threats of possible charges for "illegal" activities of unregistered organizations are reportedly regularly against activists.[31] The Viasna Human Rights Center has registered an increase in the number of such warnings issued by the prosecutor's office and the State Security Committee (KGB) to activists and human rights defenders.

52. According to a monitoring of violations of human rights and academic freedoms of students carried out by the NGO *Studentskaya Rada* in the framework of the Bologna Process, Belarus has recently intensified pressure on students participating in activities of civil society organizations. In recorded cases, deans or other representatives of the university administration interviewed students, describing their involvement in civil society organizations as undesirable and advising them to refrain from such activities, which, they advised, could have negative consequences.

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[29] See A/68/276; A/HRC/26/44; A/HRC/23/52; and A/HRC/20/8.

[30] See A/HRC/25/55 and A/68/262.

[31] "State versus human rights defenders — unfair play: a briefing paper on human rights defenders in Belarus by Civil Rights Defenders" (www.civilrightsdefenders.org/files/Briefing-paper-Belarus.pdf).

53. Human rights defenders are publicly discredited and their image is regularly tarnished in the State-run media, where they are represented as the opposition or accused of working for Western donors. On 14 January 2011, the website *Sovetskaya Belorussiya* published an article entitled "Behind the Curtains of a Conspiracy", in which it accused the opposition of being controlled and financed by foreign powers to cause harm to the country. The same article referred to alleged quotes from a Skype chat between Ales Bialiatski and a foreign donor. In April 2011, a media campaign was launched against Mr. Bialiatski, and national television aired programmes during prime time about the illegality, harmfulness and moral corruption of his human rights activities. Specifically, it was mentioned that people like him "dance on the bones of the Motherland".[32] After his trial, a media campaign portrayed him as an ordinary criminal who had not paid taxes and had stolen grants from his Western partners.[33] In February 2012 the Belarus 1 television channel aired a documentary discrediting the Belarusian Association of Journalists, accusing it of receiving grants from a foreign embassy without paying taxes on them.

54. In 2013, the organizing committee of the association "Young Christian Democrats" applied 14 times to hold its founding congress; none of the bids were granted by the State authorities. Most of the refusals referred to agreements for other events or failed to specify the reason. The background seems to be political will at the highest level. In an interview with the Washington Post the President had said: "In Belarus, the Christian Democrats will probably never get registered. They participated in the riots ... They are not Christian Democrats, they are bandits".[34]

55. On 14 January 2013, Yuliya Stsiapanava, who is helping victims of political persecution, was attacked by two unidentified men as she was returning to her home in Minsk. They held her, cut off her hair and insulted her. Reportedly, she had been receiving anonymous threats by phone in the two weeks preceding the incident.[35]

56. Three members of the feminist protest group FEMEN, Aleksandra Nemchinova, Oksana Shachko and Inna Shevchenko, were abducted and threatened after staging an anti-government protest on 19 December 2011. They were abducted by security forces from a bus station in Minsk and driven to a forest in Yelsk (Gomel region). The abductors poured oil on them, threatened to set them on fire and cut their hair off with the knife. Their documents were seized and their captors attempted to force them to cross the border into Ukraine, but they managed to make their way to a village. The medical examination found that they were covered with bruises.[36]

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[32] See International Federation for Human Rights (FIDH)/World Organization against Torture (OMCT), "Observatory for the protection of human rights defenders", annual report 2011 (www.fidh.org/img/pdf/fidh_annual_report_2011en.PDF).

[33] http://www.tvr.by/rus/society.asp?id=52449.

[34] http://www.washingtonpost.com/opinions/lally-weymouth-interviews-belarus-president-alexander-lukashenko/2011/03/03/AB9iCoN_story.html.

[35] http://nn.by/?c=ar&i=103220.

[36] Radio Free Europe/Radio Liberty, "Ukrainian Activists Allegedly Kidnapped, Terrorized in Belarus Found", 20 December 2011 (http://www.rferl.org/content/femen_activists_detained_by_belarus_kgb/24428304.html).

Rule of law: judicial proceedings, due process and independence of the judiciary

57. Arbitrary denials of registration and criminal and administrative proceedings for unauthorized activities are misused against unwelcome organizations and activists. In particular, laws on taxation in relation to funding are used to bring criminal charges, as was the case with Ales Bialiatski. Following tightened controls against unauthorized foreign funding and the criminalization of the use of such funds,[32] in November 2011, in a trial determined by observers universally as unfair, Mr. Bialiatski was sentenced to four and a half years imprisonment for failing to report foreign funds in his personal bank accounts in Lithuania and Poland. The accounts had been set up solely to finance the activities of the Viasna Human Rights Center in Belarus. The Working Group on Arbitrary Detention of the Human Rights Council qualified the detention of Mr. Bialiatski as arbitrary, arguing that the regulatory provisions on foreign funding for NGOs, the criminalization of unauthorized funding and the fact that almost all NGOs working in the field of human rights were denied registration rendered all foreign funding for NGOs practically impossible. In the view of the Working Group to fund the activities of Viasna, Mr. Bialiatski had no other choice but to open foreign bank accounts and not to report the funds to the Belarusian authorities. The Working Group added that States parties to the International Covenant on Civil and Political Rights "are not only under a negative obligation not to interfere with the founding of associations or their activities" but also under a "positive obligation to facilitate the tasks of associations by public funding or allowing tax exemptions for funding received from outside the country".[37]

58. The case of Ales Bialiatski is not, however, an isolated one. In October 2012, the Minsk Economic Court ordered the closure of the human rights NGO "Platforma", following a complaint by the tax office in the Savestki district of Minsk accusing the NGO of not submitting its tax declaration within the required time and not informing of its change of address. These allegations turned out to be unfounded, as the lack of a tax receipt was allegedly due to the fact that the tax office had lost the document. In the months before the dissolution ruling, Platforma had been the target of repeated judicial harassment by the authorities.[32]

59. The Chair of Platforma, Andrei Bandarenka, has been a subject of the courts' attention since June 2012, when he received a warning for "discrediting Belarus" due to his participation in a campaign to dissuade the International Ice Hockey Federation from holding its 2014 Men's World Ice Hockey Championship in Minsk because of Belarus's dismal human rights record.[38] Mr. Bandarenka was arrested on 1 April 2014 on charges, including three counts of hooliganism and two counts of violence against women. On 12 August 2014 Mr. Bandarenka, who had been held in a detention centre since his arrest, was sentenced to four years in prison, a sentence reduced to three years by a grant of amnesty.[39]

60. As described by the Special Rapporteur in his previous report, in November 2013, presidential decree No. 6 on improving the judicial system brought some positive institutional developments.[40] It is hoped that this will allow the judiciary

[37] A/HRC/WGAD/2012/39, para. 48.

[38] Human Rights Watch, World Report 2013, Belarus (www.hrw.org/world-report/2013/country-chapters/belarus?page=2).

[39] See https://charter97.org/en/news/2014/8/13/110962.

[40] A/HRC/26/44, para. 33.

some independence from the executive branch, and promote a more consistent interpretation and application of the law. The fact remains, however, that the President remains directly responsible for appointing, dismissing and determining the tenure of judges. In cases where the authorities are found to be responsible for a human rights violation, practice shows that courts rarely award non-pecuniary compensation for damages. Although the obligation to prove the legality of the action lies with the authorities against which the claim was filed,[41] court decisions often argue that it is the applicant who must prove that the authorities acted unlawfully. Of particular note is the fact that criminal cases retain an accusatory bias, as recognized by the Supreme Court in its reviews.[42] There also seems to be a failure on the part of the executive to respect the decision of the Constitutional Court and thereby observe the rule of law.[43]

Arbitrary detention, including short-term detentions and long-term imprisonments

61. On 24 June 2014, the Special Rapporteur issued a press statement welcoming the release from prison of Ales Bialatski and calling for the immediate and unconditional release of all political prisoners and their full rehabilitation.[44] The Special Rapporteur recalls that there are still, as of July 2014, seven prisoners whose sentences appear to have been politically motivated still imprisoned: Mikalai Statkevich, Eduard Lobau, Mikalai Dziadok, Ihar Alinevich, Yauhen Vaskovich, Artsiom Prakapenka, and Vasil Parfiankou.[45] The arbitrary detentions of political activists highlight the restrictive space for those who promote civil and political rights in attempting to broaden democratic politics in Belarus.

62. Valery Karankevich, a former candidate who had been arbitrarily detained during the 2012 parliamentary elections and was running for the Khotsimsk District Council in the 2014 local elections, was detained at the entrance of a polling station in Khotsimsk on 23 March 2014 and taken to the police station, where he was held without charges and then released. As a result, he could not be present during the ballot counting.[46]

63. Opposition activist Uladzimir Niapomniashchykh was detained by two police officers in Gomel on 22 July 2014. While walking past the officers, Mr. Niapomniashchykh was asked to show his passport, but refused because he could not clearly see their identification. He was taken to the police station. Mr. Niapomniashchykh believes he will be charged because of the t-shirt he was

[41] Constitution of Belarus, article 60 (http://www.belarus.net/costitut/constitution_e.htm#Article%2060).

[42] See http://court.by.justice_RB/ik/obzor/2010/e439740565c86a62.html.

[43] CCPR/C/79/Add.86, para. 13; E/CN.4/2001/65/Add.1, paras. 29-30; and A/HRC/4/16, para. 14.

[44] See http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14763&LangID=E.

[45] Belarusian Foreign Minister Uladzimir Makey, who was participating in a meeting of the Foreign Ministers of the Eastern Partnership initiative, when asked about political prisoners in Belarus, showed surprise: "I do not understand what you mean. None of our European colleagues can show me a list of political prisoners or voice their exact number. Indeed, there are prisoners in Belarus but they were punished for breaking laws, which has nothing in common with politics", (http://belsat.eu/en/wiadomosci/a,21035,political-prisoners-pushed-to-sidelines-eu-to-reassess-dialogue-with-lukashenka.html).

[46] http://spring96.org/en/news/72252.

wearing, which said "For Belarus without Lukashenka" on the front and "That's it, Tired of You!" on the back.[47]

64. Over the past year, many detained activists, who have limited access to relatives and lawyers, faced administrative punishment for alleged violations of the prison rules. Mikalai Dziadok, Mikalai Statkevich and Yauhen Vaskovich are serving sentences in isolation under strict prison regimes for alleged violations of the prison rules. A former 2010 presidential candidate, Mr. Statkevich is serving six years in prison on charges of organizing mass riots, accompanied by "personal violence" and resistance to public agents.[48] He was transferred to Prison No. 4 in Mahiliou, after allegedly violating prison rules in Penal Colony No. 17 in Shkou. According to information received through Freedom House, an independent watchdog organization (www.freedomhouse.com), he was placed in solitary confinement for 10 days in June, where he was deprived of sleep and warm clothing for refusing to share a cell with a dangerous inmate. Andrei Haidukou, a leader of the Union of Young Intellectuals, was sentenced in November 2012 by the Vitebsk Regional Court to one and a half years' imprisonment, charged for attempting to establish cooperation with the security or intelligence agencies of a foreign State. He was released in 2014. Mikalai Autukhovich, who has since been released, was punished over the last two years,[49] with new punishments imposed when older ones expired. On 4 September 2013, one month before the end of one set of punishments, he was again punished for allegedly failing to be in bed on time. He was consequently deprived of his right to receive parcels and to meet with relatives. Freedom House reports that political prisoners are harshly punished for alleged violations of prison rules, sometimes with a prolongation of their sentence.

65. The Special Rapporteur is concerned that political opponents, after their release, are not rehabilitated and do not recover their full entitlement to exercise their civil and political rights.[50] Four political prisoners released in 2013, after having served their full sentences, Vasil Parfiankou, Zmitser Dashkevich, Aliaksandr Frantskevich and Pavel Seviarynets, were not rehabilitated upon their release and were placed under restrictive measures. Vasil Parfiankou was subsequently sentenced to another year in prison for failing to adhere to these restrictive measures, which include a ban on involvement in demonstrations and a requirement to inform the authorities about any change in place of residence — all misdemeanour offences. Committing three misdemeanour offences in one year may result in another criminal sentence.[51]

66. Representatives of human rights organizations and the regime's political opponents are regularly targeted for administrative arrest. According to information provided by the Viasna Human Rights Centre, the first half of 2014 broke all records in terms of the administrative prosecution of protesters and opposition representatives. The majority of cases were associated with preventive arrests before and after conducting peaceful demonstrations or gatherings on civil and political rights. In 2014, most unsubstantiated detentions and arrests of opposition and human rights activists took place in the run-up to the World Ice Hockey

[47] http://spring96.org/en/news/72173.

[48] Sentenced on 26 May 2011 under part 1, article 293, of the Criminal Code of Belarus.

[49] See http://spring96.org/en/news/65915.

[50] A/HRC/26/44, para. 139 (a).

[51] See http://www.hrw.org/world-report/2014/country-chapters/belarus?page=2.

Championship in May 2014. Between the end of April and the end of June, the Special Rapporteur received allegations of 37 cases of administrative detentions on fabricated charges for periods ranging from five to 25 days. The activists, who were mainly detained on the eve and during the Championship, were accused of "disorderly conduct" and "disobedience to law-enforcement officials".

67. In addition, the number of cases of administrative proceedings unrelated to the Championship was also the highest since the first half of 2012.[52] The Special Rapporteur received information that an activist was reportedly detained when giving out free food to poor people and was subsequently sentenced to 15 days for "hooliganism". On 2 July, activists of "Alternativa", Aleh Korban and Uladzimir Serhienka, were detained in Minsk for displaying a poster "For independent Belarus" in the Minsk metro on 30 June.[53]

Torture

68. The Special Rapporteur continues to receive reports of torture and ill-treatment of arrested and detained civil society activists, including cases of violence in detention facilities by both prison staff and inmates under the direction of the prison administration. Other cases include detainees being beaten by special units of the Interior Ministry aimed at maintaining order in correctional institutions; violence towards detainees by KGB agents while in its pretrial facility; physical and psychological abuse by law enforcement agents to induce detainee to perform certain actions or take a certain stand in the criminal case under investigation; and a group of prisoners who attempted to force fellow inmates to write a petition for a pardon or try to make them commit suicide.[54]

69. Reports demonstrate that it is virtually impossible for a person in custody to bring a complaint of torture before the prosecutor. Invariably the complaint is not processed by the relevant authorities and the complainant faces repercussions, such as solitary confinement or other harsh physical and psychological ill-treatment. With no oversight of prison facilities, torture and ill-treatment remain unchecked.

70. A Belarusian Christian Democracy Party activist, Volha Pansevich, was detained on 21 April 2012 by Slonim police. She was badly beaten and then forced into a car and taken to the police station, where she was charged with two administrative violations, disorderly conduct and resisting arrest, and tortured by police officers. For several months, Ms. Pansevich tried unsuccessfully to prove the use of torture against her. The case was investigated by the Slonim district department of the Investigative Committee, which ruled not to institute criminal proceedings. The investigator did not summon witnesses and limited testimony only to the police officers.[55]

71. As Belarus moves toward the next presidential election in 2015, it is worrying that none of the previously alleged cases of torture of political candidates and activists while in detention have been clarified by the authorities. These include the

[52] See http://humanrightshouse.org/Articles/20159.html.

[53] See http://euroradio.fm/ru/v-minske-nachalis-preventivnye-zaderzhaniya-aktivistov.

[54] Human Rights Centre Viasna, "Report on the Results of Monitoring Prison Conditions in Belarus" (Minsk, 2013), pp. 14-15 (https://spring96.org/files/book/en/2013_prison_conditions_en.pdf).

[55] Viasna Human Rights Centre, "Belarusian Christian Party activist faces obstacles in proving torture report", 22 March 2013 (http://spring96.org/en/news/62062).

allegations of torture and ill-treatment by the KGB of the 2010 presidential candidates Andrei Sannikau, after his arrest on 19 December 2010,[56] and Ales Mikhalevich, at the high-security prison in Minsk in January 2011.[57]

Restrictions on movement

72. In February 2012, it was reported that the authorities had introduced "restrictions to leave the country for persons who had directly called for imposition of sanctions on Belarus" and had drawn up a list of persons covered by that ban. In the subsequent months there were numerous incidents of human rights defenders, lawyers and journalists prevented from leaving the country. Among them was Andrei Bandarenka, director of the NGO Platforma, who has just been sentenced to a jail term for aggravated hooliganism. Reportedly, his participation in the Committee against Torture's review of the report of Belarus in November 2011[58] led to the imposition of these restrictions. Garry Paganyaila, a legal expert at the Belarusian Helsinki Committee, was restricted from traveling in April 2012.[59] In January 2013, gay Belarus leader Siarhiej Androsienka's passport was cancelled, leaving him unable to leave the country.

73. However, restrictions of movement are not only intended to prevent Belarusian human rights defenders from leaving the country, but also to keep international NGO contacts from entering Belarus. During the post-2010 election crackdown, several foreign human rights defenders were deported or denied access to the country, including members of the International Observation Mission to Belarus of the Committee on International Control over the Human Rights Situation in Belarus in April 2011.[32] More recently, on the eve of the World Ice Hockey Championship in May 2014, Martin Uggla, chair of the Swedish human rights organization Östgruppen, was prohibited from entering Belarus.[60] In the same month, other human rights defenders from Switzerland and Norway, as well as the Polish Member of the European Parliament Marek Migalski, were barred from entering the country or deported.[61] In May 2014, the International Center for Non-Profit Law noted an increase in the number of rejections of Belarusian visas to foreigners.[62]

Right to freedom of peaceful assembly

74. The law on mass events continued to impose unreasonable limits on the right to assembly, requiring organizers of any pre-planned public gathering to report on the "financial sources" used. Organizers were allowed to publicize events only after official permission was granted, which might not be until five days before the actual event was to be held. According to Amnesty International, applications to hold public events were routinely denied for technical reasons.

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[56] A/HRC/20/8, para. 47.

[57] Ibid., para. 48.

[58] A/HRC/21/18, para. 22.

[59] See http://www.frontlinedefenders.org/node/18404.

[60] See http://freeales.fidh.net/2014/05/ostgruppens-chair-martin-uggla-is-not-allowed-to-enter-belarus-on-the-eve-of-2014-ice-hockey-world-championship.

[61] See https://charter97.org/en/news/2014/5/12/98275.

[62] International Center for Not-for-Profit Law, *NGO Law Monitor*, Belarus, 2 May 2014 (http://www.icnl.org/research/monitor/belarus.html).

75. Over 40 peaceful protests to be held on 27 July 2014 were banned by local authorities in Orsha, Gomel, Byaroza and Baranavichy. In all these regions, the authorities gave administrative excuses as to why the protests could not be held, for example, the organizers did not have service contracts with the police, health-care departments or public utilities, a type of contract regularly denied to pro-democratic and opposition organizations and activists. It has been 10 years in Gomel and three years in Orsha since authorities have authorized a peaceful assembly organized by pro-democratic communities.[63]

76. Throughout 2013, dozens of peaceful protesters were convicted on misdemeanour charges and sentenced, some repeatedly, to short-term detention. In April, police held four environmental activists in "preventive" custody to stop them from attending a march in Minsk to commemorate the Chernobyl nuclear disaster. Police severely beat a protester at the march, which was peaceful, and detained four journalists who covered it. In August, police detained two members of the Viasna Human Rights Centre who were handing out postcards in support of Ales Bialiatski. A court fined each 3 million Belarusian roubles (approximately $350) for violating regulations on organizing public events.[51]

77. The Special Rapporteur has collected information on more than 50 cases of persons subjected to administrative arrests for participating in unauthorized peaceful demonstrations. Similarly, individuals have been arbitrarily arrested and detained for: collecting signatures outdoors; a film screening about the Slutsk anti-Bolshevik uprising in the village of Kazlovicky; and organizing a bike carnival in Minsk. All of these were viewed by the authorities as unauthorized mass events, with participants charged for disobedience to police officers, under article 23.34 (violations of the rules on holding mass events) of the Administrative Code.[64]

Right to freedom of expression

78. Freedom of expression of the media continues to be curtailed by the criminalization of libel and defamation. The authorities continued to use the crimes of "libelling the President" and "insulting the President" against journalists to discourage criticism of government authorities. As reported by Amnesty International, on 21 June 2013, Andrzej Poczobut, correspondent for the Polish daily newspaper *Gazeta Wyborcza* and a prominent activist of the Polish minority in Belarus, was arrested in Grodno and charged with "libelling the President" for articles published in Belarusian independent media. As reported by Amnesty International, he was already serving a three-year suspended prison sentence on the same charge for other newspaper articles. The Belarusian Association of Journalists reported that on 19 June 2014, criminal charges were brought against Ekaterina Sadovskaya under article 368-2 of the Criminal Code for "insult to the President of Belarus". In fact, she criticized the unfounded arrest of activists in connection with the World Ice Hockey Championship.

79. Belarusian law on the media requires mandatory state accreditation for foreign and national journalists and recognizes only those journalists working for State-

[63] Viasna Human Rights Centre (http://spring96.org/en/news/72246; http://spring96.org/en/news/72186; http://spring96.org/en/news/72171; and http://spring96.org/en/news/72089.

[64] A/HRC/26/44, para. 49.

registered media organizations.[65] The Belarusian Association of Journalists noted an increasing number of penalties imposed since the beginning of the year on journalists in Belarus for not being accredited by authorities. At least six independent journalists were officially warned between January and June 2014 for their affiliation with media outlets that were not officially registered. In the same period, Ales Zalevski and Alexander Denisov, journalists with Belsat Television, which is based in Poland, and Andrey Meleshko, a freelance journalist working for Polish-based Radio Raciya, were convicted in court and fined on charges of working without accreditation.

80. The human rights community of Belarus is seriously restricted by article 13 of the law on mass media which provides for the obligatory registration of any printed publication with a circulation of more than 299 copies, while even publications with a circulation of under 300 copies have to rent offices, pay taxes and employ editors.[66] In April 2014, the district court in Smarhon (Grodna region) imposed a fine of the equivalent of €216 on Vladimir Shulnitsikyi for the distribution of the small-circulation human rights bulletin "*Smarhonskyi Grak*", and similar charges were brought the same month by a court in Vitebsk against Georgyi Stankevich for the distribution of his bulletin "*Kryvinnik*", which imposed the maximum penalty, of €500, under article 22.9 (2) of the code of administrative procedures.

81. On 10 January 2013, members of the Viasna Human Rights Centre Uladzimir Khilmanovich and Viktar Sazonau, and Raman Yurhel from the Belarusian Helsinki Committee were fined a total of 4.5 million roubles by the Leninski district court of Grodna for publishing a photo of themselves with a portrait of the political prisoner Ales Bialiatski on the web.[67] Similar cases of misuse of the law on public disturbances for the repression of opinion, and specifically in order to intimidate Internet users from uploading materials concerning human rights, have multiplied since 2012, indicating a coordinated policy. Yauhen Parchynski and Siarhei Malashenka, both Christian Democracy party activists were fined 500,000 roubles and 2.5 million roubles, respectively, for posting pictures of themselves with a photo of Ales Bialiatski on independent websites.[68]

82. There have been a number of cases in which the publications of human rights defenders were termed by the border guards as "discrediting Belarus", and confiscated. Forty copies of Ales Bialiatski's book "Enlightened by Belarusianness" were confiscated from Tatsiana Reviaka, a member of the Viasna Human Rights Centre, at the Lithuanian border. The Customs Department declared that the book "could damage the image of the Republic of Belarus", and it was not returned to her.[69] On 28 July 2014, participants of the camp "For European Integration of Belarus", were stopped on the border when returning from Poland, and searched.

[65] http://law.by/main.aspx?guid=3871&p0=H10800427e.

[66] Such restrictions were found by the Human Rights Committee to be in violation of article 19, para. 2, of the Covenant, CCPR/C/68/D/780/1997 (2000), Communication No. 780/1997, para. 8.3.

[67] See http://spring96.org/en/news/60467.

[68] Viasna Human Rights Centre (http://spring96.org/en/news/60849; and http://spring96.org/en/news/60928).

[69] OMCT, 23 September 2013 (http://www.omct.org/human-rights-defenders/urgent-interventions/belarus/2013/09/d22385).

The border guards seized and confiscated books about political prisoners in Belarus and a weekly covering the Belarusian minority in Poland.[70]

83. On 23 July 2014, the Deputy Chairman of the Social Democratic Party in Mahiliou, Ihar Barysam, was officially charged with an administrative offence for transporting 11,800 copies of the party's flyers and the newsletter "*Nash Mahiliou*". He faces a fine between 3 and 7.5 million roubles.[71]

The situation of lesbian, gay, bisexual and transgender defenders as a group at risk

84. The Special Rapporteur is concerned about the particular challenges facing LGBT defenders, who suffer double discrimination. Even if same-sex relationships are not illegal in Belarus, homophobic discourse is widespread, including in the media and, notably, on the part of the President himself.[72] There is no single law protecting sexual minorities from discrimination, and homophobic violence is not considered a hate-based crime. Harassment, discrimination and hate crimes against LGBT persons are frequent.[73]

85. As the Special Rapporteur on the rights to freedom of peaceful assembly and of association noted in his report on groups at risk, restrictions on and exclusions from the exercise of the rights to freedom of peaceful assembly and of association have the consequence of reinforcing marginalization and can foster a culture of silence among an excluded group, putting them at higher risk of violations and abuses that may go unreported, uninvestigated and unpunished.[74] Reportedly, anti-LGBT rhetoric has been stepping up in the last year.[75]

86. LGBT groups are denied permission to hold public events and their organizations are denied registration. In December 2012, GayBelarus applied for registration under the name "Nationwide Youth NGO Human Rights Center Lambda". The description of their activities explicitly mentioned defending LGBT rights. The reason for the denial of registration provided by the Ministry was that Lambda's activities did not "seek to provide a comprehensive social formation and development of young people", and that the name of the association did not reflect its aims.[75]

87. A series of persecutions of the organization's activists and police raids at LGBT clubs followed this failed attempt at registration.[76] At least eight different police raids of gay nightclubs were recorded in 2013 (seven in Minsk and one in Vitebsk). During these raids, the personal details of participants were recorded and sometimes filmed by a police camera.

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[70] See http://spring96.org/en/news/72255.

[71] Viasna Human Rights Center (http://spring96.org/en/news/72202).

[72] The President himself has openly mocked homosexuals. Besides the known quote of "better to be a dictator than a gay", he once proposed sending homosexuals to collective farms to perform public works (www.rferl.org/content/belarus-pressure-gay-rights/25196260.html).

[73] http://www.ilga-europe.org/home/guide_europe/country_by_country/belarus/review_2013.

[74] A/HRC/26/29, para. 15 and 26.

[75] See http://www.ilga-europe.org/home/guide_europe/country_by_country/belarus/annual_review_2014_belarus.

[76] See http://www.civilrightsdefenders.org/country-reports/human-rights-in-belarus

88. Activists are frequently called in for "preventive conversations", and are subjected to threats, questions about their private life and homophobic insults. Following the failed attempt of GayBelarus/Lambda to register, the drug police department "invited" its members for "informal conversations".[77] In August 2013, authorities forced the closure of "*Vstrecha*," an organization providing HIV/AIDS education. Twice during the year, authorities summoned the organization's coordinator for interrogation, asking questions about the organization's activities, names and addresses of other LGBT activists, travel details, contacts with foreign colleagues and details of his and other activists' sexual life; he was threatened with "serious problems" if he refused to cooperate.[78]

89. In February 2013, the police arrested Ihar Tsikhanyuk, an activist involved in GayBelarus, at the hospital where he was undergoing treatment for an illness and was taken to a police station where, according to Amnesty International, he was punched, beaten, insulted and taunted for being gay, and threatened with more violence. After they returned him to the hospital, he asked for his injuries to be documented but the hospital staff refused.

IV. Conclusion and recommendations

90. The Special Rapporteur concludes that, despite certain improvements of limited and sporadic character, such as some positive amendments in the relevant legislation and the release of human rights defender Ales Bialiatski, there has been no significant change in the overall human rights situation in Belarus since his last reports to the Human Rights Council and to the General Assembly.

91. The Special Rapporteur reiterates the systematic and systemic nature of human rights violations in Belarus, which has a negative impact on the rights of civil society organizations and human rights defenders to operate freely and without threats, harassment or intimidation. The overall legislative framework and practices of the Belarusian authorities violate, on a regular basis, the relevant provisions of international law, including article 22 of the International Covenant on Civil and Political Rights on the right to freedom of association.

92. The Special Rapporteur notes with particular concern that in addition to the unwillingness to engage in dialogue with the mandate established by the Human Rights Council, the authorities, thus far, have largely ignored the relevant recommendations made by other United Nations human rights mechanisms, including with regard to the rights to freedom of peaceful association, assembly and expression, including those pertaining to civil society organizations and human rights defenders. Belarus has continued to challenge, on procedural grounds, the registration of cases filed under the Optional Protocol to the International Covenant on Civil and Political Rights. Repeated requests by relevant thematic special procedures to visit the country have remained unanswered.[79]

[77] See http://www.ilga-europe.org/home/guide_europe/country_by_country/belarus/annual_review_2014_belarus.

[78] Bureau of Democracy, Human Rights and Labor, country reports on human rights practices, 2013. (www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper).

[79] See http://www.ohchr.org/EN/HRBodies/SP/Pages/countryvisitsa-e.aspx.

Recommendations

93. **The Special Rapporteur reiterates the relevant thematic recommendations emanating from the United Nations human rights mechanisms, including the universal periodic review,[80] the treaty bodies and other special procedures, as well as the recommendations contained in the 2012 report of the United Nations High Commissioner for Human Rights on the situation of human rights in Belarus (A/HRC/20/8), and submits the following additional recommendations:**

(a) **Release, immediately and unconditionally, the remaining human rights defenders and activists convicted for exercising their civil and political rights and ensure the full rehabilitation of their human rights;**

(b) **Recognize the important role of human rights defenders, whether individuals or members of civil society organizations, and guarantee the independence of civil society organizations and human rights defenders, enabling them to operate without the fear of reprisal;[80]**

(c) **Conduct a comprehensive review of the Belarusian legislation pertaining to freedom of association and bring it in line with relevant international human rights law and with Human Rights Council resolution 22/6 of 21 March 2013;**

(d) **Repeal article 193-1 of the Criminal Code which criminalizes unregistered public activities;[80]**

(e) **Review the law on public association and all regulations and practices pertaining to the activities of civil society organizations;**

(f) **Remove all legal and administrative impediments to the receiving of funding by NGOs and human rights defenders, including funding from abroad, and bring legislation and practice regulating the funding of NGOs in line with international law;[81]**

(g) **Abolish the discretionary power of government authorities to issue warnings about activities of NGOs, based on which the activities of NGOs can be terminated and activists can be punished;**

(h) **Register the Viasna Human Rights Center and all NGOs whose registration has been denied on political grounds;[80,82]**

(i) **Cease the vilification campaigns against NGOs critical of the government and facilitate an objective and pluralistic coverage of the human rights-related work carried out by NGOs in the publicly owned media;**

(j) **Stop harassment by the judicial authorities of privately owned media and journalists covering the work of NGOs and refrain from obstructing the Internet-based communications of NGOs and individual human rights defenders;**

(k) **Put an end to the obstruction, harassment and punishment of NGOs making use of their right to peaceful assembly, including demonstrations,**

[80] See A/HRC/15/16, Chap. II.
[81] See A/HRC/26/44, para. 139 (o).
[82] CRC/C/BLR/CO/3-4, para. 24.

pickets and flash mobs, and review the relevant legislation in line with international norms and standards;

(l) **Cease the practice of giving preferential treatment to some NGOs over others and create a safe and enabling environment for civil society, including human rights defenders, in particular by eliminating obstacles to the functioning of NGOs and civic activists;**[80]

(m) **Engage regularly and in an open manner in substantive and constructive dialogue with independent NGOs and human rights defenders on the broad spectrum of issues concerning civil society, as well as human rights issues at large, including in the context of the universal periodic review of Belarus;**[80]

(n) **Ensure full protection for NGOs and human rights defenders from harassment, intimidation and violence by ensuring prompt, thorough and transparent investigation of such acts and by the prosecution and punishment of perpetrators;**[83] **ensure that LGBT defenders can exercise their rights to freedom of peaceful assembly and association, and that they are not criminalized for exercising these rights nor subjected to threats or use of violence, harassment, persecution, intimidation or discrimination on grounds of sexual orientation;**

(o) **Make genuine efforts to establish a national human rights institution in compliance with the Paris Principles**[80] **in cooperation with all national NGOs willing to defend human rights.**

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[83] CAT/C/BLR/CO/4, para. 25; and A/HRC/26/44, para. 139 (n).